

HOME RULE CHARTER

Hutto, Texas



Mayor

David F. Begier

Mayor Pro Tem

Debbie Holland, Place 2

Councilmembers

Anne Cano

Place 1

Veronica "Ronnie" Quintanilla-Perez

Place 3

Michael J. Smith

Place 4

Melanie Rios

Place 5

Felix Madrid

Place 6



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We, the people of Hutto, Texas in order to establish a home rule municipal government that will provide for the future progress of our City through local self government, do hereby adopt this Home Rule Charter, hereinafter referred to as "Charter," in accordance with the statutes of the state of Texas; and do hereby declare the citizens of the City of Hutto, Williamson County, Texas, residing within the legally established boundaries of said City, to be a political subdivision of the state of Texas incorporated forever under the name of the "City of Hutto" with such powers, rights and duties as are herein provided.

City of Hutto's Vision:

To provide exemplary public service and to passionately pursue quality comprehensive planning, economic diversity and a self-sustaining environment that will enrich our current quality of life, embrace Hutto's unique heritage, improve the beauty of our city and where future generations will want to raise their families.

ARTICLE 1

FORM OF GOVERNMENT AND BOUNDARIES

SECTION 1.01 FORM OF GOVERNMENT

The municipal government provided by this Charter shall be known as the "Council-Manager Government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution, the statutes of this state and by this Charter, all powers of the City of Hutto, Texas, hereinafter referred to as "City," shall be vested in an elected council, hereinafter referred to as the "City Council," which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager, who in turn shall be held responsible to the City Council for the execution of the laws and the administration of the government of the City. All power of the City shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed, then in such manner as may be prescribed by ordinance, the state constitution or the statutes of the state.

SECTION 1.02 THE BOUNDARIES

The bounds and limits of the City are hereby established and described as being those boundaries heretofore established in the original incorporated proceedings of the said City, filed of record on January 1, 2004 in the office of the Clerk of the County Court of Williamson County, Texas and those boundaries established and changed thereafter in all annexation ordinances and proceedings of the City.

SECTION 1.03 EXTENSION OF BOUNDARIES

The boundaries of the City may be enlarged and extended by the annexation of additional territory, irrespective of size and configuration, in any of the methods hereinafter designated:

a) Extending Limits in Accordance with Tex. Loc. Gov't Code Ann., Chapter 43, as amended:

Where such additional territory adjoins the corporate limits of the City and contains three or more inhabitants qualified to vote for members of the state legislature, such adjacent territory may be annexed to the City in the manner and in conformity with the procedure set forth in Tex. Loc. Gov't Code Ann., Chapter 43, as amended.

b) Annexation of the Unoccupied Lands on Petition of Owners:

The owners or owner of any land which is without residents, or on which less than three voters reside, contiguous and adjacent to the City may, by petition in writing to the City Council, request the annexation of such contiguous and adjacent land, describing it by metes and bounds. The City Council shall thereafter, and not less than five and not more than thirty days after the filing of such petition, hear such petition and the arguments for and against the same, and grant or refuse such petitions as the City Council may see fit. If the City Council grants such petition, it may by proper ordinance receive and annex such territory as a part of the City.

c) Annexation by Amendment to Charter:

The boundary limits of the City may be fixed and additional territory added or annexed thereto by amendment to the Charter of the City.

d) Extending Limits by Action of the City Council:

The City Council shall have power by ordinance to fix the boundary limits of the City and to provide for the extension of said boundary limits and the annexation of additional territory lying adjacent to said City, with or without the consent of the residents or the owners of the territory annexed as prescribed in Tex. Loc. Gov. Code Chapter 43.

e) Annexation by Any Other Method Provided by Law:

Additional territory may also be annexed to the City in any manner and by any procedure that may now be provided by law or that may be hereafter provided by law or in such manner as shall be provided by ordinances or resolutions of the City Council. Same shall be in addition to the methods hereinabove provided.

f) Annexed Territory to Become Part of the City:

Upon completion of any one of the procedures hereinabove provided, the territory so annexed shall become a part of the City, and said land and its residents and future residents shall be entitled to all the rights and privileges of other citizens of the City and shall be bound by the acts, ordinances, resolutions and regulations of the City.

ARTICLE 2

POWERS OF THE CITY

SECTION 2.01. The said City of Hutto shall have power to ordain and establish such acts, laws, rules, regulations, resolutions, and ordinances, not inconsistent with the Constitution and laws of Texas and of this Charter, as shall be needful for the government, interests, health, welfare and good order of said City and its inhabitants. Under the name of the City of Hutto it shall be known in law and have succession and be capable of contracting and being contracted with, suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts and tribunals, and in all amounts whatsoever, subject to the laws of the State of Texas, or which shall hereafter be passed.

The City of Hutto shall have the power to take, hold, lease, grant, purchase and convey such real property or mixed property or estate, situated within, or without, the limits thereof, as the purpose of said corporation may require and shall have and use a corporate seal, and change and renew the same at pleasure.

SECTION 2.02. Rights Reserved - All suits, taxes, penalties, fines, forfeiture, and all other rights, claims and demands, of every kind and character, which have accrued under the laws in favor of said city, heretofore in force governing the same, shall belong to and vest in said city and shall not abate by reason of the adoption of this Charter, and shall be prosecuted and collected for the use and benefit of said City of Hutto and shall not be in any manner affected by the taking effect of this charter; but as to all of such rights, the laws under which they shall have accrued shall be deemed to be in full force and effect.

SECTION 2.03. Local Self-Government - The City of Hutto shall possess and may exercise the full power of local self-government. It may hold, by gift, deed, devise, or otherwise, any character of property, including any charitable or trust fund, and subject to and within the limits of superior law may act in perpetual succession as a body politic.

SECTION 2.04. Other Powers - For greater certainty, the following are hereby especially enumerated and referred to as being among the other powers which are hereby conferred upon and which may be exercised by the City of Hutto, to-wit:

- a) All of the powers conferred upon cities and towns by Title 22 of the Revised Civil Statutes of Texas, 1911, except as may hereafter be denied, limited or extended, are hereby conferred upon the City of Hutto as fully and completely as if such powers were herein separately enumerated.
- b) All powers, privileges and immunities conferred upon cities of more than five thousand inhabitants, by Section 4 of Chapter 147 Acts of the 33rd Legislature, General Laws Regular Session, at pages 310 to 316, entitled, "An Act Authorizing Cities Having More Than Five Thousand Inhabitants, by a Majority Vote of the Qualified Voters of said City, at an Election Held for that Purpose to Adopt and Amend their Charters," etc.; and such powers are hereby conferred upon the City of Hutto as fully and completely as if each of said mentioned powers were herein separately enumerated; but enumeration of special powers herein, or in the Statutes referred to, shall not be held or construed to preclude the city from exercising all powers of local government not inhibited by the Constitution and Laws of the State of Texas, or by special limitations in this Charter contained, the purpose of this Charter being to enlarge upon the power extended by the general laws of cities incorporated thereunder, and to secure to the City of Hutto, all the powers conferred by the Constitution and Laws of this State upon cities having more than five thousand inhabitants.
- c) The City shall have the rights and powers granted to municipalities and general law or home rule cities under the general laws, and it shall have all the rights and powers of self-government that now exist or may hereafter be granted to home rule cities by the Constitution and the general and special laws of the State of Texas.

SECTION 2.05 EMINENT DOMAIN

The City shall have the full power and right to exercise the power of eminent domain when necessary or desirable to carry out any of the powers conferred upon it by this Charter or by the constitution and laws of the state of Texas. The City may exercise the power of eminent domain in any manner authorized or permitted by the constitution and laws of this state. The power of eminent domain hereby conferred shall include the right of the City to take the fee in land so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess the power of condemnation for any municipal or public purposes even though not specifically enumerated in this Charter.

SECTION 2.06 ZONING IN GENERAL

The City Council shall have full power and authority to zone the City and to pass all necessary ordinances, rules and regulations governing the same under and by virtue of the authority given to cities and legislative bodies thereof by Tex. Loc. Gov't Code Ann., Title 7., Subtitle A. and Title 12., Subtitle A, as now or hereafter amended.

ARTICLE 3

THE CITY COUNCIL

SECTION 3.01 NUMBER, SELECTION AND TERM

The City Council shall be composed of the Mayor and six (6) Council members. The Mayor and all Council members shall be elected from the City at large and each Council member shall occupy a position on the City Council, such positions being numbered 1 through 6 consecutively. The Mayor and Council members shall be elected in the manner provided in Article 5 of this Charter to serve for three (3) year terms. *(Term limits omitted - amended November 7, 2006) (Terms transitioned from two (2) year to three (3) year terms – amended November 3, 2009)*

SECTION 3.02 QUALIFICATIONS

In addition to any other qualifications prescribed by law, the Mayor and each Council member shall meet the conditions of Section 5.02 while in office, and shall reside within the City while in office.

SECTION 3.03 JUDGE OF ELECTION QUALIFICATIONS

The City Council shall be the final judge of all elections and of qualifications of its members and any other elected officials of the City.

SECTION 3.04 COMPENSATION

The Mayor and Council members shall receive compensation as may be fixed by ordinance; provided, however, that they shall be entitled to all necessary expenses incurred in the performance of their official council duties upon approval by the City Council.

SECTION 3.05 MAYOR AND MAYOR PRO-TEM

The Mayor shall be the ceremonial head of the City government. The Mayor shall be the chairman of, and shall preside at all meetings of the City Council. The Mayor shall vote on every proposition before the City Council, but shall have no power to veto. The Mayor shall, when authorized by the City Council, sign all official documents such as ordinances, resolutions, conveyances, grant agreements, official plats, contracts, and bonds. The Mayor shall perform such other duties consistent with this Charter or as may be imposed upon him or her by the City Council.

The Mayor Pro-tem shall be a Council member elected by the City Council at the first regular City Council meeting following each regular City election. The Mayor Pro-tem shall act as Mayor during the disability or absence of the Mayor, and in this capacity shall have the rights conferred upon the Mayor.

SECTION 3.06 VACANCIES, FORFEITURE, FILLING OF VACANCIES

a) Vacancies:

The office of a Council member or office of the Mayor shall become vacant upon his or her death, resignation, removal from office in any manner authorized by law, or forfeiture of his or her office.

b) Forfeiture of Office:

If the Mayor or any Council member:

- 1) fails to maintain the qualifications as required in this Charter ;
- 2) has been found by at least a five (5) person vote of the City Council to have violated any express prohibition of this Charter;
- 3) is convicted of a crime involving moral turpitude; or
- 4) fails to attend three (3) consecutive regular City Council meetings without being excused by the City Council,

the City Council shall, at its next regular meeting, declare the office to be vacant and shall fill such vacancy as set forth in Subsection (c) below of this Section 3.06.

c) Filling of Vacancies:

- 1) When any vacancy or vacancies shall occur on the City Council, a majority of the remaining Councilmembers shall appoint a qualified replacement to fulfill the remainder of the vacant term should the remainder of the term be less than one (1) year. A special election shall be called in accordance with state law to fill the vacancy or vacancies in the same manner as described herein for regular elections should more than one (1) year remain of the vacant term.

SECTION 3.07 GENERAL POWERS AND DUTIES

All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter, and the City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.

SECTION 3.08 PROHIBITIONS

a) Holding Other Office:

Except where authorized by law, no Mayor or Council member shall hold any other City office or City employment during his or her term as Mayor or Council member and no former Mayor or Council member shall hold any compensated appointive City office or City employment until one year after the expiration of his or her term as Mayor or Council member.

b) Appointments and Removals:

Neither the City Council nor any of its members shall in any manner dictate the appointment or removal of any City administrative officers or employees whom the City Manager or any of his or her subordinates are empowered to appoint, but the City Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such officers and employees.

c) Interference with Administration:

Except for the purpose of inquiries and investigations under Section 3.16, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately, except as otherwise provided in this Charter.

SECTION 3.09 MEETINGS OF THE CITY COUNCIL

The City Council shall hold at least two regular meetings each month and as many additional meetings as it deems necessary to transact the business of the City and its citizens. The City Council shall fix, by ordinance, the days and time of the regular meetings. Special meetings of the City Council shall be held on the call of the Mayor or three (3) members of the City Council members. Notice of all meetings of the City Council shall be given in accordance with the provisions of Tex. Gov't Code Ann., Chapter 551, as amended.

SECTION 3.10 QUORUM

Five (5) City Council members shall constitute a quorum for the purpose of transaction of business and no action of the City Council, except as provided in Section 3.06, shall be valid or binding unless adopted by the affirmative vote of four or more members of the City Council.

SECTION 3.11 RULES OF PROCEDURE

The City Council shall, by ordinance, determine its own rules and order of business and the rules shall provide that citizens of the City shall have a reasonable opportunity to be heard at any meeting.

SECTION 3.12 VOTING

The City Council shall provide for minutes being taken and recorded of all meetings, and such minutes shall be a public record. Except as required by state law, there shall be no requirement for the taking and recording of minutes of meetings held in executive or closed session in accordance with Texas Gov't Code Ann., Chapter 551. Voting shall be recorded in the minutes.

All members of the City Council present, including the Mayor, shall vote upon every resolution or ordinance, except where there is a conflict of interest, the reason for which shall be stated concisely in the records.

SECTION 3.13 ORDINANCES IN GENERAL

Ordinances and resolutions shall be introduced in the City Council only in written or printed form. Ordinances making appropriations shall be confined to the subject of appropriations.

Any ordinance which levies a fine or penalty and those dealing with budget and/or tax, franchises, public utilities or the setting of their rates, shall be read at two regular meetings followed by publication in full or by caption in two successive issues of the official newspaper of the City before the same shall become effective.

All other ordinances shall not be finally passed until they have been read on two separate days not less than twelve (12) hours apart; provided, however, if an ordinance has been introduced at a regular meeting of the City Council, the requirements for reading on two separate days may be dispensed with by affirmative vote of all the City Council members present. *(amended November 7, 2006)*

The final reading of each ordinance shall be read in full unless written or printed copy thereof shall have been furnished to each member of the City Council prior to such meeting. The enacting clause of all ordinances shall be: "Be it ordained by the City Council of the City of Hutto, Texas."

SECTION 3.14 EMERGENCY ORDINANCES

To meet a public emergency involving an urgent public necessity involving an imminent threat to public health and safety that requires immediate action by the City Council, the City Council may adopt emergency ordinances. Such ordinances shall not levy taxes, grant or renew or extend a franchise, or regulate the rate charged by any public utility for its services. Neither shall they authorize the borrowing of money, except as provided in Article 8, Section 8.05. An emergency ordinance shall be introduced in the form and manner generally prescribed for ordinances, except that it shall be plainly designated in the title as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. Such emergency clause shall require the affirmative vote of five members of the City Council. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. The affirmative vote of five members of the City Council shall be required for adoption. After adoption, the ordinance shall be published as required for other adopted ordinances and shall become effective in the same manner. Every emergency ordinance so adopted, except one authorizing the borrowing of money as described herein, shall automatically stand repealed as of the sixty-first day following the day on which it became effective, but this shall not prevent re-enactment of the ordinance.

SECTION 3.15 BONDS FOR CITY EMPLOYEES

City employees, who receive or pay out monies of the City, shall be covered under a blanket crime coverage. The amount of the bonds or crime coverage shall be determined by the City Council and the cost thereof shall be borne by the City. *(amended November 3, 2009)*

SECTION 3.16 INVESTIGATIVE BODY

The City Council shall have the power to inquire into the official conduct of any department, agency, office, officer, or employee of the City and for that purpose shall have the power to administer oaths, subpoena witnesses, compelling the production of books, papers, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

ARTICLE 4

ADMINISTRATIVE SERVICE

SECTION 4.01 CITY MANAGER

a) Appointment and Qualifications:

The City Council by five (5) votes of the City Council shall appoint a City Manager. The method of selection shall be left to the discretion of the City Council so long as the method insures orderly, nonpartisan action toward securing a competent and qualified person to fill the position. The City Manager shall be chosen solely upon the basis of such person's executive and administrative training, experience and ability. The City Manager shall be bonded at City expense in an amount of not less than ten thousand (\$10,000) dollars.

b) Compensation:

The City Manager shall receive compensation as may be fixed by the City Council according to his or her experience, education, and training. The compensation shall be agreed upon before appointment with the understanding that the City Council may change it at their discretion.

c) Term and Removal:

The City Manager shall not be appointed for a definitive term but may be removed at the discretion of the City Council, by five (5) votes of the City Council. The action of the City Council in suspending or removing the City Manager shall be final. It is the intention of this Charter to vest all authority and fix all responsibilities of such suspension or removal in the City Council.

d) Powers and Duties:

The City Manager shall be the Chief Administrative Officer of the City, and shall be responsible to the City Council for the proper administration of all the affairs of the City and to that end shall have the power and shall be required to:

- 1) see that all state laws and City ordinances are effectively enforced;
- 2) appoint, suspend or remove all or any one of the directors of departments, except as otherwise provided in this Charter;
- 3) attend all meetings of the City Council except when excused by the City Council, and shall have the right to take part in the discussions;
- 4) prepare the budget annually and submit it to the City Council and be responsible for its administration after its adoption;
- 5) prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;
- 6) keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem advisable;
- 7) make other such reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her discretion and supervision; and
- 8) perform such other duties as may be prescribed by this Charter or required by the City Council, as consistent with this Charter.

e) Assistant City Manager:

The City Manager, within sixty (60) days after taking office, shall designate by letter filed with the City Secretary, a qualified administrative officer of the City to perform the duties of the City Manager in his or her absence or disability. Such designation shall be subject to the prior approval of the City Council. The Assistant City Manager is authorized to perform the same powers and duties as the City Manager while acting in the City Manager's stead. No member of the City Council shall serve as Assistant City Manager. From time to time the City Manager may remove and appoint another Assistant City Manager.

SECTION 4.02 ADMINISTRATIVE DEPARTMENTS

There shall be such administrative departments as are established by this Charter and may be established by ordinance and, excepting as otherwise provided in this Charter, these administrative departments shall be under the direction of the City Manager.

The City Council shall have power by ordinance to establish administrative departments or offices not herein provided by this Charter. The City Council may discontinue, redesignate, or combine any of the departments and/or administrative offices. No changes shall be made by the City Council in the organization of the administrative service of the City until the recommendations of the City Manager thereon shall have been heard by the City Council.

The head of each department shall be a director who shall have supervision and control over said department. Two or more departments may be headed by the same individual and the City Manager may head one or more departments.

SECTION 4.03 MUNICIPAL COURT

- a)** There shall be established and maintained a court, designated as a "Municipal Court" for the trial of misdemeanor offenses, with all such powers and duties as are now, or may hereafter be prescribed by laws of the state of Texas relative to municipal courts.
- b)** The judge of said court shall be appointed by the City Manager to serve at the discretion of the City Manager. The judge shall be an attorney licensed and practicing in the State of Texas and shall receive such salary as may be fixed by the City Council.
- c)** There shall be a clerk of said court appointed by the City Manager.
- d)** The clerk of said court and deputies shall have the power to administer oaths and affidavits, make certificates, affix the seal of said court thereto, and generally do and perform any and all acts usual, and necessary to be performed, by the clerks of courts, in issuing process of said courts, and conducting the business thereof.
- e)** The City Council shall have the power to create additional judges as provided by law. The City Manager shall appoint such additional judges.
- f)** All costs and fines imposed by the Municipal Court shall be paid into the City Treasury for the use and benefit of the City.

SECTION 4.04 CITY ATTORNEY

The City Manager shall appoint a competent and duly licensed attorney practicing law in the state of Texas, who shall be the City Attorney. The City Attorney shall hold office at the pleasure of the City Manager. The City Attorney, or such other attorneys selected by the City Attorney with the approval of the City Manager, shall represent the City in all litigation. The City Attorney shall be the legal advisor of, and attorney and counsel for, the City and all officers and departments thereof.

SECTION 4.05 CITY SECRETARY

The City Manager shall appoint the City Secretary and such Assistant City Secretaries as the City Council shall deem advisable. The duties of the City Secretary, and Assistant City Secretaries, shall be as follows:

- a)** to give notice of City Council meetings;
- b)** to keep the minutes of the proceedings of such meetings;
- c)** to authenticate by his or her signature and record in full a book kept and indexed for the purpose, all ordinances and resolutions; and
- d)** to perform such other duties as the City Council shall assign, and those elsewhere provided for in this Charter.

ARTICLE 5

NOMINATIONS AND ELECTIONS

SECTION 5.01 CITY ELECTIONS

a) Schedule.

The regular City Election will be held annually on the first Saturday in May, unless a different date is required by state law. Elections for candidates who are unopposed may be canceled in accordance with the provisions of Tex. Elec. Code Ann., Chapter 2, Subchapter C. The City Council shall be responsible to specify places for holding such election.

b) Special Elections.

The City Council may, by ordinance or resolution, order a special election under conditions specified elsewhere in this Charter, for initiative or referendum of ordinances, bond issues, Charter amendments, recall of the Mayor or Council members or other purposes deemed appropriate by City Council. The City Council will fix time and place for holding such special elections, and provide all means for holding same.

c) Voter Eligibility or Voter Registration List.

A certified list of voter registrants within the City, as prepared by the County Election Administrator, shall be maintained on file in the office of the City Secretary. If for a purpose relating only to a City election or to candidates or issues involved in such election, any organization, group or person requests a list of qualified voters of the City, permission to copy the current list shall be granted by the City Secretary.

d) Conduct and Regulation of Elections.

All City elections shall be governed by the constitution of the state of Texas, general laws of the state, this Charter, and ordinances of the City, in the order named. Municipal elections shall be conducted by the election officials appointed or approved by the City Council. Sample ballots identical to the voting machine format for the specific election shall be posted in the voting place(s) for purpose of voter orientation.

SECTION 5.02 FILING FOR OFFICE

a) Eligibility to File. Each candidate for an elective City office shall meet the following qualifications:

- 1) be a registered voter of the City;
- 2) have resided for at least twelve (12) months preceding the election within the corporate limits of the City, including territory annexed prior to the filing deadline; and
- 3) not be in arrears in the payment of any taxes or other liabilities due the City. "In arrears" is defined herein to mean that payment has not been received within ninety (90) days from due date;
- 4) be at least eighteen (18) years of age at the time of filing.

b) Additional restrictions. In addition to the foregoing qualifications, the following restrictions shall apply:

- 1) An incumbent seeking reelection must file for the same position number presently serving unless filing for the office of Mayor.

- 2) No candidate may file for more than one office or position number per election.
- 3) No employee of the City shall continue in such position after filing for an elective office of the City.
- 4) No candidate shall be placed on the ballot unless his or her application is accompanied by either (1) a filing fee of fifty dollars (\$50.00), or (2) a petition signed by qualified voters residing in the City equal in the number to the greater of: (a) twenty-five, or (b) one-half of one percent of the total vote received by all candidates for mayor in the most recent mayoral regular election. The signed petition shall be filed with the City Secretary, together with the candidate's sworn application. Each signer next to his or her signature shall indicate the signer's date of birth, date of signing, the signer's printed name, and the street address of his or her place of residence, including the county of residence.

SECTION 5.03 OFFICIAL BALLOTS

a) Names on Ballot.

The name of each candidate nominated for office, except those who have withdrawn, died or became ineligible, shall be printed on the official ballots without party designation or symbol, and in the form designated by the candidate. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

b) Order of Listing.

The order on the ballot of the names of the candidates shall be determined by lot in a drawing to be held under the supervision of the City Secretary.

c) Early Voting Ballots.

Procedures for early voting shall be consistent with Title 7., Subtitle A., Texas Election Code.

d) Ballots for Ordinances, Bond Issues, and Charter Amendments.

An ordinance, bond issue or Charter amendment, to be voted on by qualified voters of the City shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement, approved by majority of the entire City Council describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (bond issue) (Amendment) be adopted?" Immediately below or to the left of such question shall appear, in the following order, the words "Yes" and "No" each with a box in which the voter may cast his or her vote by marking a cross (X).

e) Write-In Votes.

Procedures for write-in votes shall be consistent with the Tex. Elect. Code Ann., as amended.

SECTION 5.04 CANVASSING

The City Council shall, at a special meeting called for that purpose or at its next regular meeting, canvass the returns from any municipal election and declare the results of said election to be official. The returns of every municipal election shall be recorded in the minutes of the City Council, by totals for each candidate, or, for or against each issue submitted.

SECTION 5.05 ELECTION BY MAJORITY

A majority vote for an elective office is that number of votes which is greater than one-half of the total number of valid ballots cast for the office concerned. Any candidate for elective office who receives a majority vote shall be declared elected. If none of the candidates for an elective position receives a majority vote, none of such candidates shall be elected.

SECTION 5.06 RUN-OFF ELECTION

In the event no candidate for an elective office receives a majority of the votes cast for that position in the regular or special election or there is a tie for first place, a run-off election shall be held between the two (2) candidates who received the greater number of votes. Such run-off election shall be held in accordance with the Tex. Elec. Code Ann., as amended.

ARTICLE 6

RECALL OF OFFICERS

SECTION 6.01 SCOPE OF RECALL

Any elected City official, whether elected to office by the qualified voters of the City or appointed by the City Council to fill a vacancy, shall be subject to recall and removal from the office by the qualified voters of the City.

SECTION 6.02 PETITION FOR RECALL

Before the question of recall of such officer shall be submitted to the qualified voters of the City, a petition demanding such question to be so submitted shall first be filed with the person performing the duties of the City Secretary; which said petition shall be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of qualified voters as currently certified to by the County Election Administrator. Such petition shall contain a general statement of the grounds for which the removal is sought.

A signature on a petition for recall is valid only if the petition includes the following information with respect to each signer:

- a) the signer's residence address, including the county;
- b) the signer's date of birth and the signer's voter registration number;
- c) the date of signing; and
- d) the signer's printed name.

SECTION 6.03 RECALL PROCEDURE

Any qualified voters of the City may make and file with the person performing the duties of City Secretary an affidavit containing the name or names of the officer(s) whose removal is sought and a statement of the grounds for removal. The City Secretary shall immediately notify in writing the officer(s) sought to be removed that the affidavit has been filed and shall inform the officer(s) of its statement of grounds. The City Secretary shall within a period of two (2) working days from the time the affidavit was filed thereupon make available to the qualified voters making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of the City Secretary and be of such form as prescribed in Section 6.04 of this Article, and shall be numbered, dated, and indicate the name of the person to whom issued. The City Secretary shall enter in a record to be kept in his or her office the name of the qualified voters to whom the petition blanks were issued and the number to said person.

SECTION 6.04 FORM OF RECALL PETITION

The recall petition mentioned above must be addressed to the City Council of the City of Hutto, must distinctly and specifically state the ground(s) upon which such petition for removal is predicated, and, if there be more than one ground, such as for violation of the ethics ordinance, noncompliance with this Charter, misconduct or indictment for crimes of moral turpitude in office, shall specifically state each ground with such certainty as to give the officer sought to be removed, notice of such matters and things with which he or she is charged. Recall petition papers provided by the person performing the duties of City Secretary shall be in form substantially as follows:

We the undersigned qualified voters of the City of Hutto hereby demand the question of removing (Name of Person) from the office of (Name of Office) be submitted to a vote of the qualified voters of the City.

The charges and specifications upon which this demand for removal is predicated are as follows:

Signature Printed Name Address, including county Date of Birth Voter Registration No.

The signatures shall be verified by oath in the following form:

"STATE OF TEXAS §
COUNTY OF WILLIAMSON §

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition; and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person whose name it purports to be.

Sworn and subscribed to before me this _____ day of _____, ____.

Williamson County, Texas"

SECTION 6.05 VARIOUS PAPERS CONSTITUTING RECALL PETITION

- a) The petition may consist of one or more copies, or subscription list, circulated separately, and the signatures thereto may be upon the paper or papers containing the form of petition, or upon other papers attached thereto. Verifications provided for in the next preceding section of this Article may be made by one or more petitioners, and the several parts or copies of the petition may be filed separately and by different persons; but no signatures to such petition shall remain effective or be counted which were placed thereon more than forty-five (45) days prior to the filing of such original petition or petitions with the person performing the duties of City Secretary on the same day, and the said Secretary shall immediately notify, in writing by registered mail, the officer so sought to be removed, by mailing such notice to such officer's address.
- b) Certification procedures as described in Section 7.04 shall be followed in certification of the recall petition.

SECTION 6.06 PRESENTATION OF RECALL PETITION TO CITY COUNCIL

The person performing the duties of City Secretary shall present such certified petition to the City Council at the next regular City Council meeting.

SECTION 6.07 PUBLIC HEARING TO BE HELD ON RECALL PETITION

The officer whose removal is sought may, within five (5) days after such recall petition has been presented to the City Council, request that a public hearing be held to permit such officer to present facts pertinent to the charges specified in the recall petition. In this event, the City Council shall order such public hearing to be held, not less than five (5) days nor more than fifteen (15) days after receiving such request for a public hearing.

SECTION 6.08 RECALL ELECTION TO BE CALLED

If the officer whose removal is sought does not resign, then it shall become the duty of the City Council to order an election and fix a date for holding such recall election, the date of which election shall be in accordance with the Tex. Elect. Code Ann.

SECTION 6.09 BALLOTS IN RECALL ELECTION

Ballots used at recall elections shall conform to the following requirements:

- a) With respect to each person whose removal is sought, the question shall be submitted: "Shall (Name of Person) be removed from the office of (Name of Office) by recall?"
- b) Immediately below each such question there shall be printed the two following propositions, one above the other, in order indicated:

"FOR the removal of _____ by recall."
"AGAINST the removal of _____ by recall."

SECTION 6.10 RESULT OF RECALL ELECTION

If a majority of the votes cast at a recall election shall be against the recall of the person named on the ballot, he or she shall continue in office for the remainder of his or her unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the person named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as vacancies in the City Council are filled.

In no instance shall an officer removed from office by recall election succeed himself or herself, nor shall such officer's name appear on a ballot for elective office of the City within a period of two (2) years following the date of the election at which such officer was removed from office.

SECTION 6.11 RECALL; RESTRICTIONS THEREON

No recall petition shall be filed against any officer of the City within one-hundred eighty days (180) days after such officer's election or appointment, nor within one-hundred eighty (180) days after an election for such officer's recall.

SECTION 6.12 FAILURE OF CITY COUNCIL TO CALL AN ELECTION

In case all of the requirements of this Charter shall have been met and the City Council shall fail or refuse to receive the recall petition, or to order such recall election, or to discharge any other duties imposed upon said City Council by the provisions of this Charter with reference to such recall, then the County Judge of Williamson County, Texas, or other judge of competent jurisdiction shall discharge any such duties herein provided to be discharged by the person performing the duties of City Secretary or by the City Council.

ARTICLE 7

INITIATIVE AND REFERENDUM

SECTION 7.01 GENERAL AUTHORITY

a) Initiative.

The qualified voters of the City shall have power to propose ordinances to the City Council, except ordinances appropriating money or levying of taxes, or applicable to zoning, not in conflict with this Charter, the state Constitution, or the state laws; and, if the City Council fails to adopt an ordinance so proposed, to adopt or reject it at a City election.

b) Referendum.

The qualified voters of the City shall have power to require reconsideration by the City Council of any adopted ordinance and, if the City Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money or levy of taxes, or applicable to zoning, or to bonds issued pursuant to the authority of an election or elections theretofore held.

SECTION 7.02 COMMENCEMENT OF PROCEEDINGS; PETITIONERS COMMITTEE; AFFIDAVIT

Any five (5) or more qualified voters of the City may commence initiative or referendum proceedings by filing with the City Secretary an affidavit stating that they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address(es) to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Immediately after the affidavit of the petitioners' committee is filed, the person performing the duties of City Secretary shall issue the appropriate petition blanks to the petitioners' committee.

SECTION 7.03 PETITIONS

a) Number of Signatures.

Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least twenty percent (20%) of the number of total qualified voters of the City as currently certified to by the County Election Administrator.

b) Form and Content.

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.

A signature on a petition for initiative or referendum is valid only if the petition includes the following information with respect to each signer:

- 1) the signer's residence address, including county;
- 2) the signer's date of birth and voter registration number;
- 3) the date of signing; and
- 4) the signer's printed name.

c) Affidavit of Circulator.

When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

d) Time for Filing Referendum Petitions.

Referendum petitions must be filed within thirty (30) days after issuance of the appropriate blanks for reconsideration of any ordinance adopted by the City Council. Initiative petitions must be filed within thirty (30) days after issuance of the appropriate blanks to the petitioners' committee. Additional time as specified in Section 7.04 shall be allowed for amending petitions.

SECTION 7.04 DETERMINATION OF SUFFICIENCY

a) Certificate of City Secretary.

Within ten (10) days after the petition is filed, the person performing the duties of City Secretary shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall immediately upon completion of certification send a copy of the certificate to each member of the petitioners' committee by registered mail.

b) Sufficient Petition, Final Determination.

If the petition is certified sufficient, the person performing the duties of City Secretary shall present the certificate to the City Council by the next regular City Council meeting and the certificate shall be a final determination as to the sufficiency of the petition.

c) Insufficient Petition, Final Determination.

If a petition is certified insufficient, and the petitioners' committee does not elect to amend or request City Council review under subsections (d) and (e) of this section within the time required, the City Secretary shall present a certificate to the City Council by the next regular City Council meeting which shall be a final determination of the insufficiency of the petition.

d) Insufficient Petition, Appeal.

If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it as in Section 7.04(e), the committee may, within two (2) working days after receiving the copy of such certificate, file a request that it be reviewed by the City Council. The City Council shall review the certificate at its next regular meeting following the filing of such request and approve or disapprove it, and the City Council's determination shall then be a final determination.

e) Insufficient Petition, Amending.

A petition certified insufficient for lack of required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Secretary within two (2) working days after receiving the copy of such certificate, and files a complimentary petition with additional names within two (2) weeks after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of Sections 7.03(b) and (c). Within five (5) days after the amended petition is filed, the person performing the duties of City Secretary shall complete a certificate as to the sufficiency of the petition as amended and shall within twenty-four (24) hours send a copy of such certificate to each member of the petitioners' committee by registered mail as in the case of an original petition. The final determination as to the sufficiency of an amended petition shall be determined in the same manner as prescribed for original petitions in Sections 7.04(b), (c), and (d), except that no petition, once amended, may be amended again.

f) Court Review: New Petition.

A final determination as to the sufficiency of a petition shall be subject to review in a court of competent jurisdiction and higher. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

SECTION 7.05 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE

When a referendum petition is determined to be sufficient, the ordinance sought to be reconsidered shall be suspended, and such suspension shall continue until the City Council repeals the ordinance or the ordinance is upheld by election.

SECTION 7.06 ACTION ON PETITIONS

a) Action by City Council.

Within sixty (60) days after the date the initiative or referendum petition has been finally determined sufficient, the City Council shall:

- 1) adopt a proposed initiative ordinance without any change in substance; or
- 2) repeal a referred ordinance; or
- 3) call an election on the proposed or referred ordinance as specified in Section 7.06(b).

b) Submission to Voters.

The election on a proposed or referred ordinance shall be held on the next available uniform election date as required by state law. Said called election may coincide with a regular City election should such City election fall within the specified period. Special elections on initiated or referred ordinances shall not be held more frequently than once each six (6) months, and no ordinance substantially the same as an initiated ordinance which has been defeated or on substantially the same as a referred ordinance which has been approved at any election may be initiated by the voters within two (2) years from the date of such election. Copies of the proposed or referred ordinance shall be made available at the polls.

c) Publication of Proposed and Referred Ordinance.

The person performing the duties of City Secretary shall publish at least once in the official newspaper of the City the proposed or referred ordinance within fifteen (15) days of the election, and shall give such other notices and do such other things relative to such election as are required in general municipal elections or by the ordinance calling said election.

d) Withdrawal of Petition.

An initiative or referendum petition may be withdrawn at any time prior to the time the petition has been determined to be sufficient by filing with the City Secretary a request for withdrawal signed by at least eighty percent (80%) of the members of the petitioners' committee. Upon filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

SECTION 7.07 FORM OF BALLOTS

The ballots used when voting upon such proposed and referred ordinances shall also set forth their nature sufficiently to identify them and shall set forth upon separate lines the words:

"FOR THE ORDINANCE," and "AGAINST THE ORDINANCE."

SECTION 7.08 RESULTS OF ELECTION

a) Initiative.

If a majority of the qualified voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the City Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail.

b) Repeal or Amendment of an Initiated Ordinance.

An ordinance adopted by initiative may be repealed or amended at any time after the expiration of two (2) years by a vote of five (5) or more of the City Council members qualified and serving.

c) Referendum.

If a majority of the qualified voters voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results. If a majority of the qualified voters voting on a referred ordinance vote for the ordinance, it shall be considered in effect and petition shall become void.

d) Adoption of an Ordinance Repealed by Referendum.

An ordinance repealed by referendum may be re-inacted at any time after the expiration of two (2) years by a vote of five (5) or more of the City Council members qualified and serving.

ARTICLE 8

FINANCIAL ADMINISTRATION

Section 8.01. FISCAL YEAR.

The fiscal year of the City shall begin on October 1, each year and end on the following September 30. The fiscal year may be changed by the City Council by ordinance, provided that no change shall be effective until six (6) months after the passage of such ordinance.

Section 8.02. SUBMISSION OF BUDGET AND BUDGET MESSAGE.

On or before the 15th day of August of each fiscal year, the City Manager shall submit to the City Council a budget for the ensuing fiscal year and an accompanying message.

Section 8.03. BUDGET MESSAGE.

The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget and indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes. The message shall also summarize the City's debt position and include such other material as the City Manager deems desirable.

Section 8.04. BUDGET.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Manager deems desirable or the City Council may require. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections as follows:

- a) **Goals and Objectives.** The proposed goals, objectives and expenditures for current operations during the ensuing fiscal year, detailed for each fund by organization unit and program, purpose or activity, and the method of financing such expenditures;
- b) **Capital Budget.** Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable, and the proposed method of financing each capital expenditure; and
- c) **Enterprise Funds.** The anticipated income and expense and profit and loss for the ensuing year for each public utility or other proprietary enterprise fund, as defined in this Charter, operated by the City. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus any fund balance carried forward, exclusive of reserves.
- d) **Appropriation.** To ensure a higher quality of life and security for the citizens of Hutto, the following appropriations will be mandated in each and every Annual Budget:

- 1) Ten (10) percent of the Annual Budget shall be placed in a Contingency Fund to be used for Emergency Purposes as outlined in Section 8.05 of the Charter. *(amended November 7, 2006: Sections 8.4(d) (1-4) repealed; Section 8.4 (d) (5) renumbered as 8.4 (d) (1)*

Section 8.05. CITY COUNCIL ACTION ON BUDGET.

- a) **Notice and hearing.** The City Council shall publish in one or more newspapers of general circulation in the City and as files available for download via the Internet, the general summary of the budget and a notice stating:
 - 1) the times and places where copies of the message and budget are available for inspection the public, and
 - 2) the time and place, not less than two weeks after such publication, for a public hearing on the budget.
- b) **Amendment Before Adoption.** After the public hearing, the City Council may adopt the budget with or without amendment. In amending the budget, the City Council may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for an estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than estimated income.
- c) **Adoption.** The City Council shall adopt the budget on or before the last day of the last month of the current fiscal year. If the City Council fails to adopt the budget by this date, the budget proposed by the City Manager shall go into effect.

Section 8.06. APPROPRIATION AND REVENUE ORDINANCES.

To implement the adopted budget, the City Council shall adopt the following prior to the beginning of the ensuing fiscal year:

- a) **Ordinance Adopting Budget.** An ordinance shall be made adopting the budget and making the appropriations set forth therein by department or major organizational unit and authorizing a single appropriation for each program, capital project or activity.
- b) **Tax Levy Ordinance.** A tax levy ordinance shall be made authorizing the property tax levy or levies and setting the tax rate or rates.
- c) **Revenue Ordinances.** Any other ordinances required to authorize new revenues or to amend the rates or other features of existing taxes or other revenue sources shall be made.

Section 8.07. AMENDMENTS AFTER ADOPTION.

- a) **Supplemental Appropriations.** If, during the fiscal year, the City Manager certifies that there are revenues available for appropriation that are in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- b) **Emergency Appropriations.** To meet a public emergency affecting life, health, property, or the public peace, or to avoid a material cost or public expense, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of 3.15 of this Charter. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the City Council may by emergency ordinance authorize the issuance of emergency notes. Such notes may be renewed from time to time; however, an emergency note and renewal for any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- c) **Reduction of Appropriations.** If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the City Manager shall report to the City Council within no more than two weeks, indicating the estimated amount of the deficit, any remedial action taken by the City Manager and recommendations as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- d) **Transfer of Appropriations.** At any time during the fiscal year the City Council may by resolution transfer part or all of the unencumbered appropriation balance from one department or major organizational unit to the appropriations for other departments or major organizational units. The City Manager may transfer part or all of any unencumbered appropriation balances among programs within a department or organizational unit and shall report such transfers to the City Council no later than the next regular City Council meeting.
- e) **Limitations and Effective Dates.** No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of its unencumbered balance. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this Section may be made effective immediately upon adoption.

Section 8.08. LAPSE OF APPROPRIATIONS.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised or repealed. The purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriation.

Section 8.09. ADMINISTRATION OF THE BUDGET.

The City Council shall provide by ordinance the procedures for administering the budget.

Section 8.10. OVERSPENDING OF APPROPRIATIONS PROHIBITED.

No payment shall be made or obligation incurred against any allotment or appropriation except in accordance with authorized appropriations and unless the City Manager or his designee first certifies that there is a sufficient unencumbered balance in such allotment or appropriation and that sufficient funds are or will be available to cover the claim or meet the obligation when it becomes due and payable. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment made shall be illegal. A violation of this provision shall be cause for removal of any officer who knowingly authorized or made such payment or incurred such obligation. Such officer may also be liable to the City for any amount so paid. Except as prohibited by law, however, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed in whole or in part by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Section 8.11. DEPOSITORY.

All moneys received by any person, department or agency of the City for or in connection with affairs of the City shall be deposited daily in the City depository or depositories. The City Council shall designate depositories in accordance with regulations and subject to security requirements for deposits and accrued interest as may be established by ordinance. All checks, vouchers, or warrants for the withdrawal of money from the City depositories shall be signed by the City Manager or by the Mayor in the absence of the City Manager and countersigned by a City official designated by the City Council. The City Council may by ordinance authorize the use of machine-imprinted facsimile signatures of the Mayor or City Manager on checks, vouchers and warrants. However, two original signatures shall be required for all checks in excess of \$5,000.00

SECTION 8.12. PURCHASE PROCEDURE.

All purchases made and contracts executed by the City shall be pursuant to requisitions from the heads of the offices, departments or agencies whose appropriations will be charged. No contract or order shall be binding upon the City unless the Finance Officer certifies that there is to the credit of such office, department or agency a sufficient unencumbered appropriation to pay for the supplies, materials, equipment, or contractual services for which the contract or order is to be issued. All contracts or purchases of property shall be made in accordance with State law or ordinance provided that the City Council or the City Manager, in such cases as he/she is authorized to contract for the City, shall have the right to reject any and all bids. Contracts for personal or professional services are not required to be let on competitive bids.

SECTION 8.13. SALE OF REAL PROPERTY.

The sale of real property owned by the City of Hutto shall be limited by governed by State Law. In addition, all sales of real property owned by the City of Hutto shall be subject to the approval of the City Council.

Section 8.14. INDEPENDENT AUDIT.

At the close of each fiscal year and at other times as necessary, the City Council shall have a certified public accountant conduct an independent audit of all accounts of the City. The certified public accountant shall have no personal interest in the financial affairs of the City or of its officers. A summary of the results of the completed audit shall be on file in the City Secretary's office as a public record and as files available for download via the Internet.

ARTICLE 9

TAXATION

SECTION 9.01. TAXATION POWERS

The City Council shall have power to levy taxes to the extent and for all purposes authorized by the laws of the State of Texas, and by this Charter. The limitations thereon fixed by the Constitution of the State, and provide for the mode and manner of levying, assessing and collecting the same, and to apportion such taxes as in the discretion of the City Council shall be to the best interest of the city.

SECTION 9.02. DUTY TO LEVY

It shall be the duty of the City Council annually, to levy, assess and collect such taxes on the assessed valuation of all taxable property within the city as may be necessary for general purpose and current expenses of the city, provided that the rate of taxation shall never exceed the limit prescribed by the Constitution and laws of the State of Texas.

SECTION 9.03. SINKING FUND

The City Council shall have power to annually levy, assess and collect such taxes as may be necessary to pay the interest on, and create a sinking fund or funds for, the bonded or other indebtedness of the city now existing or hereafter to be created.

SECTION 9.04. TAX LIABILITIES

The property of all persons owing any taxes to the City of Hutto is hereby liable for all taxes, whether the same be due upon personal or real property, or both, and a lien is hereby expressly fixed upon all such property to secure the payment of said taxes; and the ad valorem taxes due on any one piece of property shall not be received by the collector from the owner or other person interested therein separately without paying the ad valorem taxes owing by him on other property.

SECTION 9.05. COLLECTION OF TAXES

The City Council shall have power to provide by ordinance for the prompt collection of taxes levied, assessed and imposed under this Charter and the ordinances of said city, and it is hereby authorized, and to that end shall have full power and authority to sell, or cause to be sold, all kinds of property, real and personal, and shall make such rules and regulations, ordain and pass such ordinances, as it may consider necessary to the levying, imposing, assessing and collecting of any and all taxes provided for in this Charter and unless otherwise provided by ordinance, all property in said city liable and subject to taxation shall be assessed, and said taxes shall be levied and collected, in accordance with the provisions of the general laws of the State of Texas.

SECTION 9.06. COLLECTIONS FOR BONDED AND OTHER INDEBTEDNESS

All moneys arising from the collection of taxes levied for the payment of interest on, and providing a sinking fund for, bonded or other indebtedness of the City, shall be maintained in a separate fund, to be designated "Interest and Sinking Fund," and a separate account shall be kept of the funds applicable to each series of indebtedness.

SECTION 9.07. FORCED COLLECTION OF TAXES

The city Council may provide by ordinance for the prompt collection by suit, sale or otherwise, of all taxes due the city, of every kind. The Council may also provide penalties for the failure to pay taxes by a given date, provided the penalty shall never exceed that imposed by the State law. The city may proceed in the matter of the enforced collection of taxes in all things as provided by law for the collection of State and county taxes in this State, insofar as same is applicable, and the City Attorney shall receive for his services in tax suits the same fees allowed by law for county attorneys for like services.

ARTICLE 10

BONDS

SECTION 10.01 BORROWING FOR CAPITAL IMPROVEMENTS

a) Borrowing.

The City Council shall have the power, except as prohibited by law, to borrow money by whatever method it may deem to be in the public interest.

b) General Obligation Bonds and Certificates of Obligation.

The City shall have the power to borrow money on the credit of the City and to issue general obligation bonds and certificates of obligation for permanent public improvements or for any other public purpose not prohibited by the Constitution and laws of the state of Texas, and to issue refunding bonds to refund outstanding bonds of the City previously issued. All such bonds or certificates of obligation shall be issued in conformity with the laws of the state of Texas and shall be used only for the purpose for which they were issued.

c) Revenue Bonds.

The City shall have the power to borrow money for the purpose of constructing, purchasing, improving, extending or repairing of public utilities, recreational facilities or any other self-liquidating municipal function not prohibited by the constitution and laws of the state of Texas, and to issue revenue bonds to evidence the obligation created thereby. Such bonds shall be a charge upon and payable from the properties, or interest therein pledged, or the income there from, or both. The holders of the revenue bonds shall never have the right to demand payment thereof out of monies raised or to be raised by taxation. All such bonds shall be issued in conformity with the laws of the state of Texas and shall be used only for the purpose for which issued.

d) Bonds Incontestable.

All bonds of the City having been issued and sold and having been delivered to the purchaser thereof, shall thereafter be incontestable and all bonds issued to refund in exchange for outstanding bonds previously issued shall and after said exchange, be incontestable.

e) The procedure for adoption of any ordinance relative to borrowing for capital improvements shall be:

- 1) A copy of the proposed ordinance shall be furnished to (1) each member of the City Council, (2) the City Attorney, and (3) any citizen of the City for inspection upon request to the City Secretary, at least three days before the date of the meeting at which the ordinance is to be considered.
- 2) Any ordinance relative to borrowing for capital improvements may be adopted and finally passed at the meeting at which it is introduced.

ARTICLE 11

FRANCHISE OF PUBLIC UTILITIES

SECTION 11.01 POWERS OF THE CITY

In addition to the City's power to buy, construct, lease, maintain, operate and regulate public utilities and to manufacture, distribute and sell the output of such utility operations, the City shall have such further powers as may now or hereafter be granted under the constitution and laws of the state of Texas.

SECTION 11.02 FRANCHISE; POWER OF CITY COUNCIL

The City Council shall have power to grant, amend, renew or extend by ordinance all franchises of all public utilities of every character including any person, business or corporation providing cable television or community antenna television service, operating within the City, and for such purposes is granted full power. No public utility franchise shall be transferable except to persons, firms or corporations taking all or substantially all of the holder's business in the City and except with the approval of the City Council expressed by ordinance. No franchise shall be granted for an indeterminate term. No exclusive franchise shall ever be granted.

SECTION 11.03 FRANCHISE VALUE NOT TO BE ALLOWED

In determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as to the value of any franchise granted by the City.

SECTION 11.04 RIGHT OF REGULATION

All grants, renewals, extensions or amendments to public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City to:

- a) repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or for failure otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing;
- b) require an adequate and reasonable extension of plant and service, and the maintenance of the plant and fixtures at the standard necessary to render the highest reasonable quality of utility service to the public;
- c) establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- d) prescribe the form of accounts kept by each such utility. If the franchise or ordinance does not prescribe the form of accounts kept by each utility, then it shall keep its accounts in accordance with the utility system of accounts for said utility prescribed by the appropriate state and/or Federal utility regulatory agencies;
- e) examine and audit the accounts and other records of any such utility at any time and to require annual and other reports, including reports on local operations by each such public utility;
- f) impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public; and
- g) adopt procedural rules and regulations dealing with public utilities which shall conform to the requirements of the appropriate state regulatory agencies.
- h) prescribe penalties for noncompliance with any provision of this Article or the ordinances pertaining to franchises, public utilities, public services and proprietary enterprises.

SECTION 11.05 CONSENT OF PROPERTY OWNERS

The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility, but nothing in this Charter or in any franchise granted thereunder shall ever be construed to deprive any such property owners of any right of action for damage or injury to property as now or hereafter provided by law.

SECTION 11.06 EXTENSIONS

All extensions of public utilities within the City limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this Charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant. In case of an extension of public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

SECTION 11.07 OTHER CONDITIONS

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchises shall not be impaired by the provisions of this Charter, except that the power of the City to exercise the right of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable extension of plant and service and the maintenance of the plant fixtures at the standard necessary to render the highest reasonable quality of utility service to the public. Every public utility franchise hereafter granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the City Council or the voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the state of Texas.

SECTION 11.08 FRANCHISE RECORDS

Within six (6) months after this Charter takes effect, every public utility and every owner of public utility franchise shall file with the City certified copies of all franchises owned or claimed, or under which such utility is operated in the City. The City shall compile and maintain a public record of public utility franchises.

Section 11.09 (Repealed by Special Election held on November 7, 2006) Dealt with regulating the price of water, gas, electric lights, electric power and steam heat, and to regulate and fix the fares, charges of all public transportation of every kind, whether transporting passengers freight or baggage, and generally to fix and regulate the rates and charges of all public utilities of every kind operating within the corporate limits of the City, including any person, business or corporation providing cable television or community antenna television services.

ARTICLE 12

BOARDS AND COMMISSIONS

SECTION 12.01 BOARDS AND COMMISSIONS

The City Council shall have authority to establish by ordinance such boards and commissions as it may deem necessary for the conduct of City business and management of municipal affairs. The authority, functions and responsibilities of such boards and commissions shall be such as is spelled out in the ordinance establishing them. All existing boards and commissions heretofore established shall be continued in accordance with the ordinance or other acts under which they have been created, or until the City Council shall by ordinance abolish, modify or alter the ordinance or acts under which they exist. Notwithstanding any other provision of this Charter the elected City Council shall have paramount authority over all matters affecting the budgets, appropriation of funds, expenditures, purchases and sale of properties and procedures for accounting therefore, consistent with the express provisions of this Charter and applicable provisions of the state constitution and laws of this state.

SECTION 12.02 QUALIFICATIONS

Qualifications shall be set by ordinance rather than Charter. *(amended November 7, 2006)*

SECTION 12.03 MEMBERS FILING FOR OFFICE

No member of a Board or Commission shall continue in such position after filing for an elective office of the City. *(amended November 7, 2006)*

SECTION 12.04 PLANNING AND ZONING COMMISSION

There shall be a City Planning and Zoning Commission which shall consist of seven (7) members serving two (2) year terms which the City Council shall establish by ordinance.

The Commission shall have the power and be required to:

- a) be responsible to and act as an advisory body to the City Council;
- b) recommend to the City Council for its action an official zoning map and recommend any changes to the map;
- c) study plats and plans of proposed subdivisions and insure that all plats and plans conform to the City's subdivision and development ordinances;
- d) annually recommend a five (5) year Capital Improvement Program to the City Council;
- e) annually recommend an annexation plan to the City Council;
- f) annually review the General Plan for the City and recommend to the City Council any change; and
- g) perform such other functions as may be duly delegated to them from time to time by the City Council.

ARTICLE 13

GENERAL PROVISIONS

SECTION 13.01 PUBLICITY OF RECORDS

All public records of every office, department, or agency of the City shall be open to inspection by any person at all reasonable times, provided that records closed to the public by law, shall not be considered public records for the purpose of this section. During normal office hours, any person or any duly authorized representative of the press or other news media shall have the right to examine any such public records belonging to the City and shall have the right to make copies thereof under such reasonable rules and regulations as may be prescribed by the City Council or by this Charter.

SECTION 13.02 OFFICIAL NEWSPAPER

The City Council shall contract annually with, and by resolution designate, a public newspaper of general circulation in the City as the official newspaper thereof, and to continue as such until another is designated, and shall cause to be published therein all ordinances, notices and other matter required by this Charter, by the ordinances of the City, or by the constitution and/or laws of the state of Texas to be published.

SECTION 13.03. ETHICS.

The City shall implement and maintain an Ethics Ordinance that shall include the following elements and provisions`:

- a) **Conflicts of Interest.** The use of public office for private gain is prohibited. The City Council shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to acting in an official capacity on matters in which the official has a private financial interest clearly separate from that of the general public, the acceptance of gifts and other things of financial value, acting in a private capacity on matters dealt with as a public official, the use of confidential information, and appearances by City officials before other City agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual matters and, insofar as permissible under State law, shall provide fines and punishment for violations.
- b) **Board of Ethics.** The City Council shall by ordinance establish an independent Board of Ethics to administer and enforce the conflict-of-interest and financial-disclosure ordinances. No member of the Board may hold any political party office. Insofar as possible under State law, the City Council shall authorize the Board to issue binding advisory opinions, conduct investigations on its own initiative, and on referral or complaint, refer cases for prosecution, impose administrative fines, and hire independent counsel. The City Council shall appropriate sufficient funds to the Board of Ethics to enable it to perform its assigned duties.
- c) **Nepotism.** No person related within the second degree by affinity or within the third degree by consanguinity to the Mayor or any other member of the City Council or to the City Manager shall be employed by the City. No person so related to the Director of Finance shall be employed under him/her. This prohibition shall not apply to a person who is a current City employee and has been a City employee for one (1) year or longer at the time of the election of the Mayor or Council Member or not less than ninety 90 days at the time of the appointment of the City Manager or other appointed City officer.
(amended November 3, 2009: appointed replaced with employed)

- d) Personal Financial Interest.** No member of the City Council or employee of the City shall have a financial interest, direct or indirect, in contract with the City, nor shall be financially interested, directly or indirectly, in the sale to the City of any land, or rights or interest in any land, materials, supplies or service. The above provision shall not apply where the interest is represented by ownership of stock in a corporation involved provided such stock ownership amounts to less than one percent (1%) of the corporation stock or as falls within the scope of Tex. Loc. Gov't Code Ann., § 131.903 as now or hereafter amended. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee of the City found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, express or implied, of the persons or corporation contracting with the City shall render the contract voidable by the City Manager or the City Council.

SECTION 13.04 PERSONNEL POLICY

The administration of human resources of the city shall be governed by written rules and regulations to be known as "Personnel Policies." The City Manager or his/her designee shall prepare such policies and recommend their adoption to the City Council. Upon approval by the Council. Such policies shall become effective when approved by the council and the council shall act within thirty (30) days upon such proposed personnel policies. Thereafter the City Manager or his/her designee shall have power to recommend additions to, modifications of, or deletions from such policies to the City Council in the same manner used for adoption of the original policies. All policies adopted shall have the force and effect of law.

SECTION 13.05 COMPREHENSIVE PLAN

The purpose of the Comprehensive Plan is to guide, regulate and manage the future development within the corporate limits and extraterritorial jurisdiction of the City to assure the most appropriate and beneficial use of land, water, and other natural resources, consistent with the interests of the City of Hutto.

The Council shall adopt by ordinance a revised comprehensive plan within two (2) years from the date that the Charter is adopted. The plan shall consist of recommendations made by a Comprehensive Plan Steering Committee to be established by the City Council.

SECTION 13.06 ASSIGNMENT, EXECUTION AND GARNISHMENT

The property, real and personal, belonging to the City shall not be liable to be sold or appropriated under any writ or execution or cost bill. The funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment, or sequestration; nor shall the City be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ of garnishment on any account whatever. The City shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

SECTION 13.07 POWER TO SETTLE CLAIMS.

The City Council shall have the authority to compromise and settle any and all lawsuits of every kind and character in favor of or against the City, except suits by the City to recover delinquent taxes.

SECTION 13.08 NOTICE OF CLAIM AGAINST CITY.

Before the City shall be liable to damage, claim, or suit for personal injury, or damage to property, the person who is injured or whose property has been damaged or someone in such person's behalf shall give the City Manager or the City Secretary notice in writing under oath within forty-five (45) days after the date of the alleged damage or injury stating specifically in such notice when, where and how the injury or damage was sustained, setting forth the extent of the injury or damage as accurately as possible, and giving the names and addresses of all witnesses known to claimant upon whose testimony claimant is relying to establish the injury or damage. In case of injuries resulting in death, the person or persons claiming damage shall within forty-five (45) days after the death of the injured person give notice as required above. Provided that nothing herein contained shall be construed to mean the City waives any rights, privileges, defenses or immunities in tort actions which are provided under the common law, the constitution and laws of the state of Texas.

SECTION 13.09 PROHIBITIONS.

a) Activities Prohibited.

- 1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any City positions or appointive City administrative office because of race, sex, political or religious opinions or affiliations.
- 2) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- 3) No City officer or candidate for City office shall orally, by letter or otherwise solicit or assist in soliciting any assessment, subscription or contribution for any candidate or for any political party or political purpose whatever from any person holding any compensated City position.
- 4) No officer or employee of the City who receives compensation as such shall make, solicit or receive any contribution to the campaign funds of any candidate or of any political party to be used in a City election or for or against any candidate for City office or take any part in the management, affairs or political campaign of any political party in a City election, but such officer or employee may exercise all rights as a citizen to express opinions and to cast his or her vote. Nothing in this paragraph is intended to prohibit said person from participating in school district, special district, county, state, or national campaigns, elections, and political parties.

b) Penalties.

Any person who either individually or with others willfully violates any provisions of the foregoing Sections 13.08(a) shall be ineligible for appointment or election to a position in the City for a period of four (4) years, and if such person is an officer or employee of the City at the time of such violation, he or she shall immediately forfeit the office or position such person holds.

SECTION 13.10 SEPARABILITY

If any section or part of a section of this Charter is held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not invalidate or impair the validity, force or effect of any other section or part of a section of this Charter.

SECTION 13.11 SUBMISSION OF CHARTER TO VOTERS

The Charter Commission in preparing this Charter concludes that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function, it is necessary that it should be adopted in its entirety. For these reasons, the Charter Commission directs that the said Charter be voted upon as a whole and that it shall be submitted to the voters of the City at an election to be held for that purpose on February 7, 2004. Not less than thirty (30) days prior to such election, the City Council shall cause the City Secretary to mail a copy of this Charter to each registered voter of the City as appears from the latest certified list of registered voters. If a majority of the registered voters voting in such election shall vote in favor of the adoption of this Charter, it shall become the Charter of the City of Hutto, and after the returns have been canvassed, the same shall be declared adopted and the City Secretary shall file an official copy of the Charter with the Records of the City. The Secretary shall furnish the Mayor a copy of said Charter, which copy of the Charter so adopted, authenticated and certified by signature and the seal of the City, shall be forwarded by the Mayor to the Secretary of the state of Texas and shall show the approval of such Charter by majority vote of the registered voters voting at such election.

SECTION 13.12 AMENDMENT OF CHARTER

Amendments to this Charter may be framed and submitted to the voters of the City in the manner provided by Tex. Loc. Gov't Code Ann., Chapter 9, as amended.

SECTION 13.13 REARRANGEMENT AND RENUMBERING OF CHARTER PROVISIONS.

In order to preserve unity, the City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto, and upon the passage of any such ordinance, a copy thereof, certified by the City Manager shall be forwarded to the Secretary of State for filing.

SECTION 13.14 SECURITY OR BOND NOT REQUIRED.

It shall not be necessary in any action, suit or proceedings in which the City shall be a party for any bond, undertaking or security to be executed in behalf of the City, but all actions, suits, and proceedings shall be conducted in the same manner as if such bond, undertaking or security had been given. The City shall have all remedies of appeal provided by law to all courts without bond or security of any kind. For the purposes of all such actions, suits, proceedings and appeals, the City shall be liable in the same manner and to the same extent as if the bond undertaking or security has been executed and given.

ARTICLE 14

TRANSITIONAL PROVISIONS

SECTION 14.01 EFFECTIVE DATE

This Charter shall take effect immediately following adoption by the voters of the City of Hutto. However, in no case shall the Charter be in effect until the City Council records with the City Secretary an order declaring that the Charter is adopted. The order declaring adoption shall be entered into City record as soon as is practicable following the election.

SECTION 14.02 EFFECT OF CHARTER ON EXISTING LAW

All codes, ordinances, resolutions, rules and regulations in force on the effective date of this Charter, and not in conflict with this Charter, shall remain in force until altered, amended or repealed by the City Council. All taxes, assessments, liens, encumbrances and demands, of or against the City, fixed or established before such date, or for the fixing or establishing of which proceedings have begun at such date, shall be valid when properly fixed or established either under the law in force at the time of the beginning of such proceedings or under the law after the adoption of this Charter.

SECTION 14.03 PENDING MATTERS

All rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings in existence at the time of the adoption of this Charter shall continue until consummation. All renewals or new rights, claims, actions, orders, contracts, franchises, and legal or administrative proceedings arising after the adoption of this Charter shall be conducted pursuant to this Charter.

RESOLUTION NO. 2009-052-00

RESOLUTION PROVIDING FOR THE LOCAL CANVASS OF PRECINCT RETURNS AND DECLARING THE VOTING TOTALS AND RESULTS OF THE CITY OF HUTTO'S SPECIAL ELECTION HELD ON NOVEMBER 3, 2009 FOR THE PURPOSES OF SUBMITTING TO VOTERS PROPOSED AMENDMENTS TO THE CITY CHARTER AND CERTAIN BOND PROPOSITIONS

WHEREAS, the City Council of the City of Hutto ordered a Special Election held on November 3, 2009 for the purpose of submitting to voters certain proposed amendments to the City Charter and certain Bond Propositions; and

WHEREAS, the City Council has investigated all matters pertaining to the election, including the ordering, giving notice and administration of returns of the election; and

WHEREAS, the election administrators who conducted the election have duly made the returns of the result thereof, and the returns have been duly delivered to this City Council; and

WHEREAS, the City Council canvasses the November 3, 2009 special election results in accordance with Chapter 67 of the Texas Election Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUTTO, TEXAS:

1. That the Hutto, Texas City Council officially finds and determines the election was duly ordered, proper notice of the election was duly given, proper election officers were duly appointed prior to the election, the election was duly held, the City complied with the Federal Voting Rights Act and the Texas Election Code, returns of the result of the election have been made and delivered, and that the City Council has duly canvassed the returns, all in accordance with state law.

2. That the Hutto, Texas City Council officially finds and determines that the following votes were cast by the qualified resident electors of City:

CHARTER AMENDMENT – PROPOSITION 1

AMENDMENT TO ARTICLE 3, SECTION 3.01 OF THE HOME RULE CHARTER OF THE CITY OF HUTTO, TEXAS, PROVIDING FOR THREE YEAR TERMS FOR THE MAYOR AND COUNCIL MEMBERS AND PROVIDING FOR TRANSITIONAL PROCEDURES TO ESTABLISH STAGGERED TERMS.

THE MAYOR AND COUNCIL MEMBERS ELECTED AT THE REGULAR CITY COUNCIL ELECTION IN 2010 AND THEREAFTER SHALL SERVE THREE-YEAR TERMS. TO MAKE THE TRANSITION FROM TWO-YEAR TERMS TO THREE-YEAR TERMS AND TO PROVIDE ADDITIONAL STAGGERING OF TERMS, NO LATER THAN THREE MONTHS BEFORE THE REGULAR CITY COUNCIL ELECTION IN 2010, COUNCIL MEMBERS IN PLACE 1, 4 AND 5 SHALL DRAW LOTS TO DETERMINE ONE MEMBER WHO WILL REMAIN IN OFFICE UNTIL THE REGULAR ELECTION IN 2012. NO LATER THAN THREE MONTHS BEFORE THE REGULAR CITY COUNCIL ELECTION IN 2010, COUNCIL MEMBERS FROM PLACE 2, 3 AND 6 SHALL DRAW LOTS TO DETERMINE ONE MEMBER WHO WILL SERVE AN INITIAL TWO YEAR TERM FROM 2010 UNTIL 2012. SUCH COUNCIL MEMBER SERVING AN INITIAL TWO-YEAR TERM SHALL SERVE THREE-YEAR TERMS STARTING AT THE 2012 REGULAR CITY COUNCIL ELECTION.

	<u>Total Votes Received</u>
Yes	395 (56.59 %)
No	303 (43.41 %)

CHARTER AMENDMENT – PROPOSITION 2

AMENDMENT TO ARTICLE 13, SECTION 13.03(C) OF THE HOME RULE CHARTER OF THE CITY OF HUTTO, TEXAS, PROVIDING THAT NO PERSON RELATED WITHIN THE SECOND DEGREE OF AFFINITY OR WITHIN THE THIRD DEGREE OF CONSANGUINITY TO THE MAYOR OR ANY OTHER MEMBER OF THE CITY COUNCIL OR TO THE CITY MANAGER SHALL BE EMPLOYED BY THE CITY.

	<u>Total Votes Received</u>	
Yes	467	(67.19 %)
No	228	(32.81 %)

CHARTER AMENDMENT – PROPOSITION 3

AMENDMENT TO ARTICLE 3, SECTION 3.15 OF THE HOME RULE CHARTER OF THE CITY OF HUTTO, TEXAS, PROVIDING THAT CITY EMPLOYEES WHO RECEIVE OR PAY OUT MONIES OF THE CITY SHALL BE COVERED UNDER A BLANKET CRIME COVERAGE. THE AMOUNT OF THE BONDS OR CRIME COVERAGE SHALL BE DETERMINED BY THE CITY COUNCIL AND THE COST THEREOF SHALL BE BORNE BY THE CITY.

	<u>Total Votes Received</u>	
Yes	362	(53.16 %)
No	319	(46.84 %)

BOND PROPOSITION 1

THE ISSUANCE OF \$8,500,000 GENERAL OBLIGATION BONDS FOR STREET IMPROVEMENTS

SHALL the City Council of the City of Hutto, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$8,500,000 for permanent public improvements and public purposes, to wit: constructing and improving streets within the City, including sidewalks, streetscaping, traffic control and signalization devices, and curb and gutter improvements and drainage related thereto, and the acquisition of lands and rights-of-way therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

	<u>Total Votes Received</u>	
Yes	422	(60.29 %)
No	278	(39.71 %)

BOND PROPOSITION 2

THE ISSUANCE OF \$3,300,000 GENERAL OBLIGATION BONDS FOR FRITZ PARK, FUTURE PARKS, PARK FACILITIES, AND OPEN SPACE ACQUISITION

SHALL the City Council of the City of Hutto, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$3,300,000 for permanent public improvements and public purposes, to wit: constructing, improving, and equipping general park and recreation facilities, including Fritz Park, future parks; park facilities, and open space acquisition; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

	<u>Total Votes Received</u>	
Yes	361	(51.50 %)
No	340	(48.50 %)

BOND PROPOSITION 3

THE ISSUANCE OF \$6,000,000 GENERAL OBLIGATION BONDS FOR SPORT COMPLEX FACILITIES

SHALL the City Council of the City of Hutto, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$6,000,000 for permanent public improvements and public purposes, to wit: constructing, improving, and equipping a sports complex, including soccer, baseball and softball facilities, and the acquisition of land therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

	<u>Total Votes Received</u>
No	390 (55.79 %)
Yes	309 (44.21 %)

BOND PROPOSITION 4

THE ISSUANCE OF \$5,000,000 GENERAL OBLIGATION BONDS FOR A CITY / YMCA RECREATION CENTER

SHALL the City Council of the City of Hutto, Texas, be authorized to issue general obligation bonds of the City in the principal amount of \$5,000,000 for permanent public improvements and public purposes, to wit: constructing, improving, and equipping, a City recreation center and indoor swimming pool in collaboration with the YMCA, and the acquisition of land therefor; such bonds to mature serially or otherwise over a period not to exceed FORTY (40) years from their date, to be issued and sold in one or more series at any price or prices and to bear interest at any rate or rates (fixed, floating, variable or otherwise) as shall be determined within the discretion of the City Council at the time of issuance or sale of the bonds; and whether ad valorem taxes shall be levied upon all taxable property in the City sufficient to pay the annual interest and provide a sinking fund to pay the bonds at maturity?

	<u>Total Votes Received</u>
Yes	377 (53.86 %)
No	323 (46.14 %)

3. That the Hutto, Texas City Council officially finds, determines and declares the result of the November 3, 2009 special election to be that City Charter Amendments 1, 2 , and 3 passed by a majority vote of qualified resident electors of the city.

4. That the Hutto, Texas City Council officially finds, determines and declares the result of the November 3, 2009 special election to be that Bond Proposition 1, 2 and 4 passed by a majority vote of qualified resident electors of the city and that Bond Proposition 3 failed by a majority vote of qualified resident electors of the city.

5. That the provisions of this Resolution are severable; and in case any one or more of the provisions hereof or the application thereof to any person or circumstance should be held to be invalid, unconstitutional, or ineffective as to any person or circumstance, then the remainder of this Resolution nevertheless shall be valid, and the application of any such invalid provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

6. That the City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution and the subject matter hereof were discussed, considered and formally acted upon, all in accordance with and as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended, and the Act.

RESOLVED on this the 10th day of November, 2009.



CITY OF HUTTO, TEXAS

David F. Begier
David F. Begier, Mayor

Attest:

Debbie Chelf
Debbie Chelf, City Secretary